

Zoning Board of Appeals
 One Liberty Lane
 Norfolk, MA 02056
 October 2, 2019
 7:00 P.M.

Christopher Wider – Chair ----- Present	Josephine Cordahi – Associate Member --- Present
Michael Kulesza – Vice Chair ----- Absent	Daniel Hill – 40B Consultant Attorney ---- Present
Joseph Sebastiano – Clerk----- Present	Amy Brady– Administrative Assistant----- Present
Donald Hanssen – Member ----- Present	
Devin Howe – Member ----- Present	

The duly posted meeting of the Norfolk Zoning Board of Appeals convened at 7:00 P.M. Room 124 of the Norfolk Town Hall. Mr. Wider announced that the meeting was being video- and audiotaped

PUBLIC HEARINGS:

The Preserve at Abbyville (cont'd from 9/4/19)
Abbyville Commons (cont'd from 9/4/19)

Mr. Wider announced the continuation of these hearings. The continuation is requested due to an eligible voter quorum issue.

Mr. Sebastiano made a motion to continue the hearing to October 16, 2019, at 7:00 P.M.; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Lakeland Hills-144 Seekonk Street (cont'd from 9/4/19)

Mr. Wider called the continued public hearing to order. Present were Sean Reardon, Tetra Tech (peer reviewer); Kim Eric Hazarvartian, TEPP LLC (traffic peer reviewer); Dan Hill, 40B consultant attorney; Ted O'Harte for Lakeland Hills, applicant; Christopher Agostino, Atty. for applicant; Travis Brown, Andrews Survey & Engineering (ASE); Phillip Cherry, WSP. Plans presented and referred to were entitled "Lakeland Hills, Town House Community, Presentation Plan, SK1;" Memo to Stephen O'Connell from Phillip Cherry, re: Seekonk Street Proposed Traffic Development Study, dated July 30, 2019; from Kim Eric Hazarvartian, TEPP, LLC, re: Traffic Peer Review, 144 Seekonk Street, Norfolk MA, dated September 30, 2019; Environmental Inspection Report, 144 Seekonk Street, Norfolk, MA, prepared by Patrick C. Garner Company, dated August 8, 2019.

Atty. Agostino said that after preliminary discussion at the 9/4/19, it was the intent of the applicant to perform additional soil testing and produce a revised plan set for presentation at tonight's hearing. In the interim, they were notified of a Conservation Commission meeting being held on 9/25/19 to review the findings of a report by Patrick Garner Company, and they delayed further soil testing until after that meeting; testing resumed this week. Atty. Agostino said that the applicant is prepared to discuss traffic tonight.

Mr. Cherry referred to the traffic report of 7/30/19, which entailed looking at existing site conditions as well as site-related traffic, Stopping and Intersection Sight Distances (SSD and ISD); safety data at the site was subsequently looked at based on peer review comments. Seekonk Street is a 2 lane urban minor arterial with a posted speed limit of 35 mph. 85th percentile speeds were found to be 40 mph southbound, 41 mph northbound. Traffic data at the site was collected in November and December of 2016; increased by 5% because those are low-volume months, increased an additional 1% per year for background growth. 3,100 total daily vehicles observed, 1,700 going north 1,400 south; A.M. peak time was 7-8:00 A.M. with 420 total vehicles, 340 going north, 80 going south. Afternoon peak was 4:30-5:30 P.M. with 300 vehicles counted, 210 going south, and 90 going north. It was determined for future distribution and analysis purposes, 75% of vehicles go north and 25% go south. There is no sidewalk on Seekonk Street, so pedestrian counts not

considered, cyclists were found to be 14 going south, 10 going north; nearest major transit center is commuter rail, over 1.5 miles away. Most recent crash data from MassDOT counted 5 crashes in the last 5 years, looking ¼ mile in each direction from driveway site; crashes roughly at the intersection with Cleveland Street, and one a couple hundred feet south of Fruit Street; one non-fatal injury, one involved another vehicle, remainder involved embankment, animal, or tree; crash data was determined to be 1.68 per million vehicle miles traveled; average for comparable in Massachusetts is 3.80. Using 10th edition Institute of Transportation Engineers (ITE) Trip Generation Manual and associated Land Use Code 210, and based on 96 units at the site, 906 daily trips were estimated. 73 in the A.M. peak hour (18 entering, 55 exiting); 98 tips in the P.M. peak hour (62 entering, 36 exiting); approximately 40-45 vehicles going north in the A.M. and 54 coming back in the evening equates to one additional vehicles every 80-85 seconds; approx. 15 trips at each time to the south. Intersection operations at the driveway site; levels of service (LOS) were found to be “B” in the A.M. and “A” in the P.M., at 7-year projection (MassDOT standard). Based on peer review comments regarding age of data, volumes on Seekonk Street were increased by another 10%; LOS still found to be in “B” range. The desirable Stopping Sight Distance (SSD) for a vehicle at 40 mph is 305’ sight distance. Southbound SSD was found to be 400+ feet, but northbound (where actual 85th percentile speed was 41 mph) was 300-305’; trimming of shrubbery overhanging right of way (ROW) would be necessary to maintain SSD. Intersection Sight Distance (ISD) triangle for 40 mph is 445’. To the north, there was 270’ available, to the south, less than 100’. Atty. Agostino said that the interior roadway was also analyzed and discussed; next plan set will take into account all comments received so far.

Mr. Hazarvartian said the traffic study did not, but should, present the usual pictorial networks; additional intersections should be looked at, i.e. Seekonk/Cleveland to the north, and Seekonk/Fruit to the south. Main/Seekonk and Rte. 27/South Street, Medfield, intersections already experience delays, should perhaps be looked at. Commented that volume studies are greater than 2 years old; MassDOT traffic impact assessment guidelines deem this not acceptable, unless the “reviewing authority” accepts it; a new automatic traffic recorder (ATR) report costs several hundred dollars, is not very time-consuming; would suggest doing it for 48 hours, at non-anomalous periods (holiday, school holiday, etc.); new speed data should be included. Mr. Hazarvartian reviewed the methodologies for determining ISD and SSD (per American Association of State Highway and Transportation Officials (AASHTO)). Applicant should confirm what sight distances are available and demonstrate using plans or profiles that SD exists or can be met through clearing, using easements as necessary. Mr. Hazarvartian continued citing information the traffic report should contain. Vehicle trip numbers and distributions mostly agreed; should be done again if a new count is done. LOS etc. should be expanded to included intersections at the ends of Seekonk Street (aka South Street at the Medfield end). Internally, Mr. H. said the applicant should confirm there are no other egress options besides the one double-barrelled entrance, and should consider additional safety mitigation measures. The longer the access (1,100’) and the higher the unit count (96 units,) the more opportunity for incidents that require emergency response; perhaps provide areas to traverse the median. He suggested a hammerhead turnaround at the end of the dead-end “stub.” A stop sign should be placed at the entrance to Seekonk, explain how pedestrian traffic will proceed (i.e. sidewalks) around the site, including in the immediate area on Seekonk Street.

With regard to updating data, Mr. Wider noted that the gas company is currently working on Seekonk Street in that area; it is scheduled to last until the end of November. Atty. Agostino asked if the ZBA, as the “reviewing authority,” is satisfied with the data being 2+ years old, with the built-in progressions of 1% per year, plus additional 10%; Mr. Hazarvartian said perhaps if documentation could be produced to show it compares with other relevant locations, and also factors in other developments going in around town. ISD was only performed at the driveway site, should be expanded to include LOS at the two closest intersections (with Fruit and with Cleveland,) and converse with Town Planner regarding more remote intersections.

Mr. Wider asked for Mr. Hazarvartian’s thoughts on sidewalks, and he responded to first look at what’s available, then what gaps are practical to fill in. Atty. Agostino read from the AASHTO manual, citing that ISD must be equal to at least SSD, which is not the case here; he asked the applicant to elaborate on where the trees & shrubs are that would have to be removed to meet the SSD requirement (ROW vs. private properties.) Atty. Agostino questioned having ISD at least equal to SSD being a mandatory requirement; Mr. Hazarvartian elaborated. Atty. Agostino requested four criteria be shown on future plans: stopping sight distance in each direction, and intersection sight distance in each direction. Mr. Howe asked whether or not pedestrian counts had been taken; Mr. Cherry said that none were generated by the report, but he was not

employed by WSP then, and couldn't be sure; the report seems to indicate that there were no pedestrians on Seekonk Street at that time. Mr. Howe asked if Mr. Cherry felt that Seekonk Street is walkable. He replied that he thinks it would be an uncomfortable and an unsafe walk.

Sylvana DellaCamera, 134 Seekonk Street, questioned how many cars were used in the site trip generation figures, and whether all of the cars in surrounding developments in the construction and planning stages were considered. Mr. H. said that the trip generation numbers are based on actual counts; he noted that multiple cars for each unit don't necessarily come and go at the same time. Ms. DellaCamera mentioned that Seekonk is used as a cut-through from surrounding towns such as Franklin and Wrentham, to get out to Rte. 27 in Medfield, and on into Boston, and asked that developments in the planning/construction phases in those towns also be considered as well.

Lorraine Sweeney, 14 Stop River Road, requested that the intersection of Stop River Road and Seekonk Street also be considered, and said the northbound cars really pick up speed after the intersection with Cleveland Street; snow is also piled at the Stop River Rd. intersection in the winter, compounding site distance issues. Ms. Sweeney also said that there is no way to get from 144 Seekonk Street to the train station in under 2 miles.

Mr. Sebastiano expressed concern about school age children waiting for a bus here; Atty. Agostino said the applicant would consult with his engineers and the school department. Mr. Wider asked the administrative assistant to forward recent email from an abutter that mentions this issue. Regarding sidewalks, Mr. Wider said that the board may require tying into some existing sidewalk, and said it needs to be looked into.

A lot of work is planned in the next two weeks, in anticipation of having an updated plan for October 16. Soil testing results and driveway configuration are two major ones; traffic comments from tonight may not yet be incorporated. Mr. O'Harte said the hydrogeologist, Steve Smith, is expected to go out on 10/14/19. It was decided that plans will be submitted by October 23, along with a response to traffic comments, and the next meeting will be held on October 30.

Ron Ober, Main Street, asked about the paved width of Seekonk Street. Atty. Agostino said that will be looked at when they re-do the sight distance width. Mr. Ober asked if Seekonk Street will be widened in response to this development. Mr. McCarthy said there are ROW concerns on Seekonk Street, making a sidewalk somewhat challenging; he will look into it and report back to the board.

Karen Clark, Seekonk Street, asked for more information on the ROW issues. Mr. McCarthy explained that roads are not always laid out on the center line.

Discussion turned to choosing a hydrogeological peer reviewer. Atty. Agostino said at the last meeting, they were unsure if they would be going forward with a full hydrogeo report, and they subsequently have had a meeting with the Conservation Commission. Atty. Agostino said it was left off that the ZBA's Wetland consultant, BETA, would do some independent testing to evaluate whether or not there was a disturbance in the area described as "Area 2" in the Patrick Garner Report, and asked the ZBA to decide if this is something that can be put behind them; if so, then they will consider engaging a hydrogeo expert, but if allegations of disturbance are still in play, then they don't want to incur that expense at this time.

Mr. Wider said he was at the ConCom meeting, and thought it was decided that with the applicant's contractors and their machine on site, a representative from BETA [Laura Krause, soil expert], would be out there, and they would do some soil sampling in area 2. Atty. Agostino said David Crossman, their wetland scientist, would be there doing testing; Ms. Krause would take the sample, witnessed by Tetra Tech's soil expert, Sara White, and the applicant's consultants.

Atty. Agostino said that a closer look at the plan showed that the test pits they were planning to do were not actually in Area 2, they were only nearby. He said they are happy for BETA to do the testing. Testing will take place tomorrow (October 3) at 11:00 A.M. Mr. Reardon clarified that Ms. White is a licensed soil evaluator, who can witness the work and document what was seen at the location, but cannot make the

decision as to whether or not it qualifies as wetland soil. Mr. O'Harte was given permission to go ahead with his test pit work, as long as Area 2 is not disturbed.

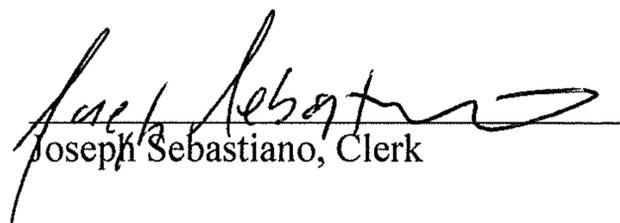
With regard to choosing a hydrogeological peer reviewer, Atty. Agostino said they think Tetra Tech makes them most sense, but Mr. Wider expressed concern that they were \$7,000.00 higher than Nobis; the applicant would prefer to incur the extra expense for Tetra Tech, and the board concurred that using Tetra Tech makes the most sense.

Mr. Sebastiano made a motion to accept Tetra Tech's hydrogeological peer review bid dated September 18, 2019, in the amount of \$16,345; Mr. Hanssen seconded the motion; the vote on the motion was unanimous.

Atty. Hill asked Mr. O'Harte when they are expecting Mr. Smith to produce a report; Mr. O'Harte said he is drilling on the 14th-16th of October, and expects to have the report 5 to 7 days after that.

Mr. Sebastiano made a motion to continue the hearing for Lakeland Hills to October 30, 2019, at 7:00 P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.

Mr. Sebastiano made a motion to adjourn the meeting at 9:06 P.M.; Mr. Howe seconded the motion; the vote on the motion was unanimous.


Joseph Sebastiano, Clerk